

REMARKS/ARGUMENTS

Claims 1, 3 to 5, 8 to 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasa (EP 375 162).

Reconsideration of the application is respectfully requested based on the following.

35 U.S.C. 103 Rejections

Claims 1, 3 to 5, 8 to 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasa.

Claim 1 recites a method for controlling creep behavior of a vehicle equipped with an automated clutch, comprising: “detecting actuation of a brake actuating element, a creep parameter influencing a creep of the vehicle, an actuating position of the automated clutch being a function of the creep parameter” and “controlling the creep parameter using a vehicle speed setpoint so that when the brake actuating element is increasingly actuated, the vehicle speed is reduced.”

As admitted by the Office Action, Sasa does not disclose “using a vehicle speed setpoint” as it controls clutch engagement by controlling the amount of brake depression. Such clutch engagement amount varies the speed of a vehicle, but the actual speed of the vehicle will vary for example depending on whether the vehicle is on a hill, clutch wear, etc. and thus Sasa does not use a vehicle setpoint, explicitly or implicitly.

If a vehicle speed setpoint were used, why would Sasa use a corrective value E for a road surface gradient as shown in Fig. 4 (i)? This corrective value alters the clutch engagement/brake pedal relationship, but is completely independent of a specific vehicle speed and the correction would be useless and unnecessary were Sasa actually using a vehicle speed setpoint.

Sasa also clearly is not targeting a specific vehicle speed in the statement in column 9:

[T]ravel at very low velocity can be achieved with ease by merely controlling the amount of brake pedal depression, and the amount of clutch engagement can be corrected in dependence upon the state of the road surface of which the vehicle is situated, the

desired amount of adjustment set by the creep device, and the state of vehicle load.

Sasa merely asserts that by controlling the clutch engagement as a function of brake pedal force, all travel at low velocities can be made easier- no specific velocity is targeted. Again, the use of corrective values independent of vehicle speed makes clear that no vehicle speed setpoint is being used.

In addition, it is respectfully submitted that it would not have been obvious to provide the device of Sasa with such a vehicle speed setpoint, as it would have made the entire corrective value scheme of Sasa moot and Sasa wants a direct correspondence between brake pedal amount and clutch engagement force. Sasa deliberately dealt with creep without using a vehicle speed setpoint, and there also no teaching or motivation to so modify Sasa.

Claims 11 and 16 also recite a vehicle speed setpoint limitation.

Withdrawal of the rejection to claims 1, 11 and 16 and their dependent claims is respectfully requested.

With further respect to claims 12 and 13, claim 12 recites wherein the speed of the vehicle is controlled so as to vary linearly with actuation of the brake element and claim 13 recites wherein the speed of the vehicle is controlled so that the speed of the vehicle equals $(B_{MAX}-B/B_{MAX}) \cdot V_{MAX}$ for $B < B_{MAX}$ and zero for $B > B_{MAX}$, where B is the brake actuation, B_{MAX} is a maximum creep brake actuation, and V_{MAX} is the maximum vehicle creep when the brake is not actuated.

Sasa provides no information on the actual vehicle speed, but rather the only on the clutch engagement amount. The speed of a vehicle is not dependent solely on the clutch engagement amount, and thus Sasa also does not disclose the limitations of claims 12 and 13 and thus withdrawal of the rejection of these claims for this reason as well is respectfully requested.

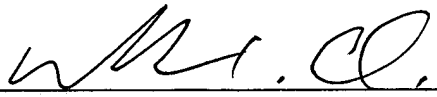
These claims were specifically argued in the previous response office action and once again not addressed by the Office Action, so are hereby bolded to ensure consideration.

Claims 14 and 15 are also not addressed.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,
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